**THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA**

**WRIT PETITION No.24214 of 2000**

**Dated : 21.09.2007**

**Between:**

Atkuri Namonarayana S/o Somanna

**..... PETITIONER**

**And:**

The Deputy Registrar,
Cooperative Societies,
Kovvur, West Godavari District and another.

**.....RESPONDENTS**

**THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA**

**WRIT PETITION No.24214 of 2000**

**ORDER:**

This writ petition is filed seeking to set aside the order, dated 10.01.1994, passed by the first respondent and confirmed by the second respondent on 06.01.2000 in O.A.No.206 of 1994.

Brief facts are that the petitioner was the president of the Unagatla Large Sized Cooperative Society. While so, on the allegation of misappropriation, an enquiry into the affairs of the Society, under Section 52 of the Andhra Pradesh Cooperative Societies Act (for short "the Act") was conducted and after enquiry, the enquiry officer came to the conclusion that the petitioner and one M.Lakshminarayana, Ex-

secretary of the Society have misappropriated ESCOM sale proceeds and thus caused loss to a tune of Rs.6,664.45 and also spent irregular expenditure to a tune of Rs.3,292/- on building repairs without provision. On the basis of the said report, surcharge proceedings under Section 60 of the Act were initiated and the petitioner had submitted his representation. Ultimately final order dated 10.01.1994 was passed directing the petitioner and M.Lakshminarayana to pay the said amount. Questioning the same, petitioner filed O.A.No.206 of 1994 before the second respondent, however, the same was dismissed on 06.01.2000. Hence, this writ petition.

The first respondent filed a counter-affidavit stating that the impugned final order dated 10.01.1994 was passed after considering the representations of the petitioner and after following due process of law. Therefore, there is no illegality in the orders impugned warranting interference of this Court.

The main contention canvassed by the learned counsel for the petitioner is that during the course of enquiry conducted under Section 52 of the Act, petitioner was not given sufficient opportunity to rebut the allegations made against him. However, having perused the material on record, this Court is of the view that the said contention is wholly untenable. In fact, entire procedure i.e, the conduct of enquiry under Section 52 of the Act, initiation of surcharge proceedings, etc., is wholly in consonance with the provisions of the Act. Hence, this Court sees no merits in this writ petition and the same is liable to be dismissed.

Further, while issuing rule nisi on 11.12.2000, this Court suspended the impugned orders subject to the condition of petitioner depositing a sum of Rs.10,000/- with the second respondent. Now the learned counsel for the petitioner submits that the said order has been complied with by way of depositing the said amount under fixed deposit receipt and the said amount may be adjusted towards the amount payable by petitioner.

Accordingly, the writ petition is dismissed and the respondents are directed to adjust the amount of Rs.10,000/- (with interest) deposited by the petitioner with the second respondent by way of Fixed Deposit Receipt towards full and final settlement of the amount payable by the petitioner. There shall be no order as to costs.

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21.09.2007

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